

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD/FM)

This document relates to: *Estate of John P. O'Neill, Sr., et al. v. The Republic of Iraq, et al.*, 04-CV-1076 (GBD)

**AFFIDAVIT IN SUPPORT OF REQUEST FOR ISSUANCE OF CLERK'S
CERTIFICATE OF DEFAULT AGAINST IRAN DEFENDANTS**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JERRY S. GOLDMAN, Esquire, being duly sworn, deposes and says:

1. I am a partner at Anderson Kill P.C., attorneys for the O'Neill Plaintiffs in the above action. I am familiar with the facts and circumstances of this case and am admitted to practice in this Court.

2. Pursuant to Local Civil Rules 55.1 of the United States District Court for the Southern District of New York, I make this Affidavit in support of Plaintiffs' Application for the issuance of a Clerk's Certificate of Default against Defendants Islamic Republic of Iran, Iranian Ministry of Intelligence and Security, Iranian Minister of Intelligence and Security Ali Fallahian, Iranian Revolutionary Guard Corps, Iranian Revolutionary Guard Corps – QODS Force, Ayatollah Ali Hoseini-Khamenei, and Deputy Commander Brigadier General of the Iranian Revolutionary Guard Corp. Mohammed Baqr Zalzadr (collectively, the "Iran Defendants").

3. This is an action to recover damages owed by Iran Defendants to Plaintiffs for injuries resulting from the September 11, 2001 terrorist attacks upon the

United States (the "September 11th Attacks"). Iran Defendants have been sued based on their participation in a conspiracy to commit acts of international terrorism against the United States, its citizens and allies, of which the September 11th Attacks were a direct, intended and foreseeable product.

4. Jurisdiction of this Court over Iran Defendants is invoked pursuant to 28 U.S.C. § 1330, as the claims against Iran Defendants fall within the exceptions to immunity set forth at 28 U.S.C. §§ 1605(a)(5) and 1605A of the Foreign Sovereign Immunities Act ("FSIA").

5. This action was commenced on August 20, 2003, with the filing of the Complaint in *Estate of John P. O'Neill, Sr., et al. v. Republic of Iraq, et al.* (03-CV-1766 (RBW) (D.D.C.), Docket No. 1). Iran Defendants were added as defendants on December 30, 2004 (03-MD-1570, Docket No. 629). Iran Defendants were served in accordance with the FSIA, as set forth below.


6. Service on Iran Defendants was effectuated pursuant to the FSIA, 28 U.S.C. § 1608(a)(4) by sending the Third Amended Complaint, Summons and Notice of Suit to J. Michael McMahon, Clerk of Court for the Southern District of New York, who forwarded said documents to Mr. Edward Betancourt, Director of Special Consular Services for the United States Department of State (the "State Department"), by registered mail, return receipt requested. On June 17, 2005, evidence of the State Department's transmission of the documents was filed with the Court (03-MD-1570, Docket Nos. 1127-1133). True and correct copies of the O'Neill Plaintiffs' Affidavits of Service, Returns of Service and related documents concerning Iran Defendants, are attached hereto as **Exhibit A**.

7. Iran Defendants have not answered or otherwise responded to the Complaint, and the time for Iran Defendants to answer or otherwise respond to the Complaint has expired.

8. Iran Defendants are not infants, in the military, or incompetent persons.

9. Plaintiffs request a Clerk's Certificate of Default, attached hereto as **Exhibit B**, to provide to Judge George B. Daniels in connection with a Motion for Default Judgment pursuant to Fed. R. Civ. P. 55.

Dated: July 27, 2015
New York, NY



Jerry S. Goldman, Esquire
ANDERSON KILL P.C.
1251 Avenue of the Americas
42nd Floor
New York, NY 10020

Sworn to before me this 27th
Day of July, 2015.



Notary Public

BRUCE ELLIOT STRONG
Notary Public, State of New York
No. 02ST6317690
Qualified in New York County
Commission Expires Jan. 12, 2019